

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456

Master File No. 1:01-CV-12257-PBS

Sub-Category Case No. 1:08-CV-11200

Judge Patti B. Saris

THIS DOCUMENT RELATES TO:

*United States ex rel. Linnette Sun and Greg
Hamilton, Relators*

v.
Baxter Healthcare Corporation

THE PARTIES' JOINT MOTION FOR ENTRY OF A SCHEDULING ORDER

Counsel for Defendant Baxter Healthcare Corporation and Counsel for Relators Linnette Sun and Greg Hamilton have conferred and have jointly agreed upon a proposed schedule for this case as set forth in the attached document. The parties hereby request that the Court accept and adopt the proposed schedule.

Respectfully submitted,

Dated: January 7, 2011

/s/ Tina D. Reynolds

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[PROPOSED] SCHEDULING ORDER

January __, 2011

Saris, U.S.D.J.

WHEREAS, Relators Linnette Sun and Greg Hamilton (“Relators”) filed their original Complaint on April 22, 2005 and a First Amended Complaint on June 14, 2005 in the U.S. District Court, District of Colorado;

WHEREAS, the First Amended Complaint was unsealed on January 15, 2008, and assigned Civil Action No. 05-cv-00736-WDM-MJW;

WHEREAS, the matter was transferred to the District of Massachusetts by the Judicial Panel Multidistrict Litigation on July 14, 2008 and assigned case No. 08-cv-11200-PBS;

WHEREAS, the case was consolidated with Case No. 01-cv-12257-PBS (MDL No. 1456) on July 15, 2008;

WHEREAS, on October 15, 2010 the parties filed and on October 28, 2010 this Court approved a proposed scheduling order whereby the parties were to engage in formal mediation prior to December 31, 2010 in an attempt to resolve this matter and, if not successful, were to file by no later than January 17, 2011, a joint proposed schedule for further proceedings;

WHEREAS, the parties have been working diligently to resolve this matter, and would like to continue to pursue informal resolution of this matter;

WHEREAS, on January 5, 2011 this Court entered a similar order in the matter of *Ven-A-Care of the Florida Keys v. Baxter Healthcare Corporation and Baxter International Inc.* (Sub Docket No. 1:10-CV-11186) and whereas the parties have been negotiating this matters in parallel.

NOW THEREFORE, it is ORDERED, as follows:

1. Relator and Defendants shall continue to engage in informal mediation prior to March 1, 2011 in an attempt to resolve this matter;
2. All deadlines shall be stayed during the pendency of this mediation period;
3. Should mediation not be successful, the parties will, by no later than March 15, 2011, jointly propose a schedule to the court for further proceedings

So ordered.

Judge Patti B. Saris

CERTIFICATE OF SERVICE

I hereby certify that I, Tina D. Reynolds, an attorney, caused a true and correct copy of the foregoing **THE PARTIES' JOINT MOTION FOR ENTRY OF A SCHEDULING ORDER** and attached **PROPOSED ORDER** to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, on January 7, 2011, for posting and notification to all parties.

/s/ Tina D. Reynolds
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